

# Notices of Judgment—

## The First Thousand

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This Nonlegal Summary of Actions Taken Against Foods, Drugs and Cosmetics Which Were Reported in the Earliest Notices of Judgment Was Prepared by the Medical Director of Vaponefrin Company, Upper Darby, Pennsylvania, and His Son, a Premedical Student at Temple University

THE PASSAGE of the Federal Food and Drugs Act of June 30, 1906, extended activities under the law covering imports of tea, approved March 2, 1883, and of foods, drugs and liquors, approved August 30, 1890. Research under way prior to the passage of this act had been published in the *Bulletin of the Bureau of Chemistry*, as well as in scientific periodicals. Some of the legal proceedings were recorded in the circulars of the Office of the Solicitor. No systematic publication of actions against foods or drugs appears to have been established prior to passage of the 1906 Act.

Section 4 of the 1906 Act authorized chemical examinations of foods and drugs in the Bureau of Chemistry of the Department of Agriculture, to determine whether such specimens were adulterated or misbranded; if it appeared that they were, the Secretary of Agriculture was directed to issue notice to the party from whom the sample was obtained, who might appear for a hearing. If it then appeared that provisions of this act had been violated, the Secretary of Agriculture was directed to certify the facts to the proper United States district attorney, with a copy of the results of the analysis or examination. "After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid." Regulation 6 was adopted on October 17, 1906, under the provision of the act, as follows:

(a) When a judgment of the court shall have been rendered there may be a publication of the findings of the examiner or analyst together with the findings of the court.

(b) This publication may be in the form of circulars, notices, or bulletins, as the Secretary of Agriculture may direct, not less than thirty days after judgment.

(c) If an appeal be taken from the judgment of the court before such publication, notice of the appeal shall accompany the publication.

In connection with the replacement of the Federal Food and Drugs Act of 1906 by the Federal Food, Drug, and Cosmetic Act of June 25, 1938, discussions of the House Committee on Interstate and Foreign Commerce in Report 2139, Seventy-fifth Congress, April 14, 1938, stated:

Section 705 directs the publication of the results of court actions, and also authorizes the dissemination of information in situations involving imminent danger to health or gross deception of consumers.

As passed, Section 705(a) of the 1938 Act reads:

The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

Under the 1906 Act, notices of judgment (usually called N. J.'s) were published as material accumulated, without regard to the nature of the products involved. A total of 31,157 N. J.'s were published under the 1906 Act. Under the 1938 Act, these notices were classified separately for foods, for drugs and devices, and for cosmetics. Up to July 1, 1954, a total of 20,400 N. J.'s have been published dealing with foods, 4,120 dealing with drugs and devices, and 202 dealing with cosmetics.

Our interest has been centered on the pharmaceutical, pharmacological and toxicological aspects of the information contained in the N. J.'s. Section 7 states that a drug is adulterated if it differs from any official standard or falls below its own professed standard. In the case of confectionery, adulteration is charged if it contains talc, certain other inorganic products "or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health." Adulteration is charged in the case of food ". . . if it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health," with the exemption of preservatives applied externally, which are removed before consumption. A negative provision is contained in Section 8, in the case of foods, which provides that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded under certain specified condi-

tions. Section 10, in setting up conditions for seizure of products, provides that "if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale as the said court may direct . . ." Similarly, Section 11 deals with products offered for import, among other provisions specifying collection of samples "otherwise dangerous to the health of the people of the United States," and permits refusal of entry into the country.

The present report deals with information obtained in our study of N. J.'s Nos. 1-1000. As a matter of information, N. J. No. 1 was issued May 2, 1908, dealing with "misbranding of apple cider" containing 11.93 per cent of alcohol from added sugar; N. J. No. 1000, issued August 15, 1911, reports "adulteration of sodic aluminic sulphate" because it contained 60 mg. of metallic arsenic per kilogram.

### Foods

Pertinent information on 54 N. J.'s published under this classification has been arranged in Table 1, listed in accordance with the alleged harmful or deleterious ingredient. It is noted that action was taken against 17 foods because of the presence of about 0.1 per cent of added boric acid. Information is given in N. J. No. 508 with respect to the action against the Hipolite Egg Company, St. Louis, Missouri, for shipping 50 cans of preserved whole eggs. Adulteration was alleged, since the product contained 2 per cent of boric acid added as a preservative, which may render the food injurious to health. The product was seized in the State of Illinois, a hearing was held by the district court without a jury, the government's contentions were sustained and the United States Marshall was ordered to destroy the eggs. The court issued a special finding of facts supporting its decision. The Hipolite Egg Company appealed from the decree to the United States Supreme Court, challenging the legal jurisdiction, since these eggs were shipped for use by bakeries and, therefore, were not intended for sale in the original unbroken packages or otherwise; the question of possible deleterious action of boric acid was not featured in this appeal. (The United States Supreme Court affirmed the decree of the lower court, N. J. No. 1043.)

Charges of adulteration and/or misbranding were brought against 16 beverages containing cocaine, alone or in combination with caffeine and strychnine. In N. J. No. 202, the defendant pleaded not guilty,

Table 1

54 Foods—N. J.'s 1-1000

No.	Product	Charge *		Plea and Action **	Comments
		M	A		
972	Crown Glossine	x		g.	Contained arsenic, 27 ppm.
989	Chocolate Cremolin	x	x	S.	Contained arsenic, 12 ppm, ferric oxide 5.96%
1000	Sodic Aluminic Sulphate	x	x	S.	Contained arsenic, 60 mg/kg
696	Biscuits	x	x	S.	Added boric acid
790	Cheese	x	x	S.	0.1% added sodium borate
848	Cheese	x	x	Nolo	0.113% and 0.156% boric acid
508	Eggs	x	x	S. n. g.	2% boric acid added; verdict dest. appealed to United States Supreme Court, which confirmed verdict
657	Eggs	x	x	S.	Added boric acid
859	Eggs	x	x	S.	Added boric acid
668	Ice Cream Cones	x	x	S.	Added boric acid
669	Ice Cream Cones	x	x	S.	Added boric acid
672	Ice Cream Cones	x	x	S.	Added boric acid
724	Ice Cream Cones	x	x	S.	Added boric acid
725	Ice Cream Cones	x	x	S.	Added boric acid
814	Ice Cream Cones	x	x	S.	Added boric acid
831	Ice Cream Cones	x	x	S.	Added boric acid
911	Ice Cream Cones	x	x	S.	Added boric acid
960	Ice Cream Cones	x	x	S.	Added boric acid
899	Ice Cream Cones	x	x	g.	\$10
808	Ice Cream Cones	x	x	g.	\$20
809	Creme Waffles	x	x	S.	Added boric acid
202	Koca Nola	x	x	Rel. Bd.	Contained 0.14 and 0.18% boric acid
236	Coke Extract	x	x	g.	Added boric acid
296	Kos-Kola	x	x	g.	Contained undeclared cocaine
309	Coke Extract	x	x	g.	Contained undeclared cocaine
310	Kola-Ade	x	x	g.	Contained undeclared cocaine
235	Cafe-Cola Compd.	x	x	g.	Contained undeclared cocaine
326	Celery Cola	x	x	g.	Contained undeclared cocaine and caffeine
				3 n. g.	1 n. g.;
					2 g. \$25
466	Rococola	x	x	g.	\$50&C
					Contained undeclared cocaine and caffeine

594	Wiscola	x		\$25&C	Contained undeclared cocaine and caffeine
731	Cola Syrup	x	g.	\$50	Contained undeclared cocaine and caffeine
784	Dr. Don's Kola	x	g.	\$20&C	Contained undeclared cocaine and caffeine
785	Cola Queen	x	g.	\$20&C	Contained undeclared cocaine and caffeine
935	Vani-Kola Compd.	x	<i>Nolo</i>	\$25&C	Contained undeclared cocaine and caffeine
741	Coca Creme	x	g.	\$20&C	Contained cocaine, caffeine, saccharin, benzoic acid
742	American Coca Creme	x	g.	\$30&C	Contained cocaine, caffeine, saccharin, brucine
909	Nichols Kola	x	g.	\$25	Contained cocaine, caffeine, strychnine
825	Eggs, Frozen	x	n. g.	g. \$200	Contained formaldehyde, injurious to health
59	Lithia Water	x	S.	Dest.	No Li detected
424	Tuckahoe Li Water	x	g.	\$25	Therapeutic claims doubt, traces Li
822	Londonderry Li Water	x	S.	Dest.	Only faint traces Li
924	Harris Li Water	x	S.	Rel. Bd.	False claims, 0.02 Li ppm
968	Buckhead Li Water	x	S.	Dest.	Only trace Li
658	Macaroni	x	S.	Dest.	Added Martius Yellow poisonous dye
964	Confectioners' Brown Glaze	x	g.	\$50&C	Contained 2.78% methyl alcohol
382	Bleached Flour	x	S.	Dest.	Also process nitrites; summary testimony 23 witnesses; decision adulterated and poisonous
497	Bleached Flour		S.		Two suits restrain seizures; court dismissed
498	Bleached Flour		S.		Also suit v. United States Secretary of Agriculture, restrain issue F. I. D. 100, stating bleaching nitrites harmful, as injures business; refused Superior and Court Appeals D. C.
722	Bleached Flour	x	S.	Dest.	Lexington Mill & Elevator Company jury trial sustained libel, dest.; 37 witnesses libellant, 47 claimant, 100 pages testimony; appealed
799	Bleached Flour	x	S.	Rel. Bd.	Contained 1.3 ppm N; stipulated such flour might be dangerous to health
765	Minceat	x	S.	Dest.	Contained 0.06% added salicylic acid
766	Minceat	x	S.	Dest.	Contained 0.08% added salicylic acid
176	Silver Dragees	x	n. g.	g. \$100	Contained 0.48% metallic silver
249	Silver Dragees	x	n. g.	g. \$100	Conviction circuit ct., N. Y.; appealed
543	Silver Dragees				CCA reversed lower court

Rel. Bd.—released under bond  
 Rel. Expt.—released for export  
 S.—seizure  
 Dest.—destroyed  
 C—costs

\* M—misbranding  
 A—adulteration  
 \*\* *Nolo*—*nolo contendere*  
 g.—guilty  
 n. g.—not guilty

the jury heard testimony and found him guilty, and the court imposed a fine of \$100. In this case, cocaine was present but not declared on the label and it was charged that this cocaine may render and did render the product injurious to health. Similar charges were brought with respect to the harmful or deleterious action of caffeine. A series of five N. J.'s deal with lithia waters carrying strong therapeutic claims, although the lithium content could only be detected spectroscopically.

V. Viviano & Brothers manufactured macaroni; about one ounce of a poisonous yellow color, Martius Yellow, was added to every 250 gallons of water used in the process. A total of 9,110 boxes of this macaroni was seized and destroyed, as set forth in N. J. No. 658. In his decision, District Judge Kenesaw M. Landis stated:

It is the duty of the court to give the act a fair and reasonable construction for the accomplishment of its object. That object is the exclusion from interstate commerce of food products so adulterated as to endanger health. And where, as here, it clearly appears that a poisonous substance wholly foreign to the food product has been added to it, solely to mislead and deceive, the court is under no duty to endeavor to protect the offender against loss from destruction of the adulterated article by indulging in hair-splitting speculation as to whether the amount of poison used may possibly have been so nicely calculated as not to kill or be of *immediate* serious injury. With a portion of our population, macaroni is a staple article of food, and under the evidence here cumulative effect of the poison in the substance under examination would be injurious to health. Let there be a decree of condemnation and destruction.

The Alsop Process was developed for the purpose of bleaching flour by exposure to nitrogen peroxide. Actions against such bleached flour were the basis of five N. J.'s. The Alsop Company endeavored to prevent issuance of Food Inspection Decision No. 100 on December 10, 1908, which stated that flour bleached with nitrogen peroxide is adulterated, and cannot legally be made or sold or shipped in interstate commerce. N. J. No. 498 states that such bleached flour contains nitrogen peroxide equivalent to 1.5 parts per million (ppm) of nitrous N. The court refused to intervene. In the Aetna case (N. J. No. 382), the testimony of 23 witnesses is summarized, which was the basis of the court decision: "That said flour contains added poisonous and added deleterious ingredients, to wit: nitrites, which renders the same injurious to health." This same situation was reported more thoroughly in the action against the Lexington Mill and Elevator Company (N. J. No. 722), in which 625 sacks of bleached flour were seized because of the presence of 1.8 ppm of nitrites. The testimony before the jury of 37 witnesses for the government and 40 for the

company is summarized in the N. J., covering some 100 pages. The jury sustained the government charges and the company appealed the decision (the Eighth Circuit reversed the lower court (N. J. No. 2549), and the United States Supreme Court (N. J. No. 3398) upheld the circuit court, that testimony was insufficient to show that flour was so colored as to conceal inferiority and also that the addition of a poisonous substance in any quantity would adulterate the article for the reason that the possibility of injury to health due to the quantity of added ingredient is an essential element of prohibition).

The application of about 0.5 per cent of metallic silver as a coating for confectionery was the basis for three N. J.'s. In two cases, juries found defendants guilty. On appeal, the Second Circuit reversed the decision of a lower court, stating that defendant was improperly convicted, since the government had not established the fact that the confectionery in question deceived the public or was injurious to health. A special regulation was then promulgated to permit silver-coating of certain decorations for cakes.

These 54 N. J.'s are interesting as establishing the need for proof of harm to consumers of foods containing added harmful or deleterious ingredients.

### Drugs

Reports on crude drugs, or their official preparations, were found in 32 N. J.'s, which are consolidated in Table 2. Of these, three deal with asafetida which contained excess foreign material. Worthy of comment is N. J. No. 854, dealing with material which contained excess ash and was deficient in alcohol-soluble matter under the U. S. P. standards at the time of shipment. Since the product was analyzed and correctly relabeled after receipt and before seizure was made, the court dismissed the libel.

The first N. J. dealing specifically with a drug is N. J. No. 10, reporting action in the District of Columbia Police Court, in which the defendant pleaded guilty to selling cocaine hydrochloride without declaring the quantity of drug present, and was fined \$100. The sale as cocaine of a product containing 20 per cent cocaine and 80 per cent acetanilide was reported in N. J. No. 646; on a plea of guilty, the court imposed a fine of \$10 and costs. Action was taken against two samples of cod liver oil because of exaggerated claims. Colocynth was adulterated with seed, gentian root with an unknown fiber, henbane

with a dangerous adulterant, *Hyoscyamus muticus*. In this series, actions were taken because of gross adulteration causing deviations from official standards, although some attention was directed to false and misleading therapeutic claims.

Table 2

## 32 Drugs—N. J.'s 1-1000

No.	Product	Charge *		Plea and Action **
		M	A	
157	Asafetida	x	x	<i>Nolo</i> \$10
583	Asafetida	x		g. \$50
854	Asafetida			S. Dism.
871	Belladonna lf.	x	x	g.
754	Belladonna rt.		x	g. \$100
221	Camphor	x	x	g. \$100
550	Camphor	x	x	<i>Nolo</i> \$25
10	Cocaine HCl	x		g. \$10
646	Cocaine HCl	x		g. \$10&C
754	Cloves		x	g. \$100
598	Cod Liver Oil	x		<i>Nolo</i> \$5
303	Cod Liver Oil	x		S. Dest.
183	Colocynth	x	x	g. \$25
192	Colocynth		x	g. \$25
290	Colocynth	x	x	<i>Nolo</i> \$10
292	Colocynth	x	x	g. \$10
754	Gentian Root		x	g. \$100
754	Henbane		x	g. \$100
226	Laudanum	x		g. \$20
333	Laudanum	x		g. \$10
459	Laudanum	x	x	g. \$50
901	Pink Root	x	x	g. \$10
86	Saltpetre	x		<i>Nolo</i> \$50
871	Senna Leaf	x	x	g.
572	Tragacanth Gum	x	x	g. \$25
998	Tragacanth Gum	x	x	g. \$25
220	Turpentine	x	x	S. Dest.
248	Turpentine	x	x	g. \$5
337	Turpentine	x	x	g. \$10
539	Turpentine	x	x	g. \$10
712	Turpentine			S. Rel. Bd.
792	Turpentine	x	x	S. Rel. Bd.
877	Turpentine		x	n. g. g. \$50
929	Turpentine		x	S. Rel. Bd.
357	Witch Hazel Extract	x		g. \$10
609	Witch Hazel Extract	x		g. \$25

\* M—misbranding

A—adulteration

\*\* *Nolo*—*nolo contendere*

g.—guilty

n. g.—not guilty

### Drug Products and Preparations

In addition to the actions against crude drugs or their official preparations, it seemed helpful to segregate 124 reports of action

#### Comments

Excess ash, nut hulls  
 Much foreign material present  
 Not U.S.P.; properly labeled before seizure  
 Foreign leaves; suspended sentence  
 Contained 50% ground olive pits  
 14% below U.S.P.  
 Substandard, alcohol undeclared  
 Unlabeled  
 Contained 80% acetanilide  
 Contained  $\frac{1}{3}$  to  $\frac{1}{2}$  stalks  
 Absent, therapeutic claims  
 Not tissue builder, salicylic acid present  
 Not U.S.P., seed present  
 Not U.S.P., seed present  
 Not U.S.P., seed present  
 Not U.S.P., seed present  
 Not U.S.P., contained unknown fiber  
 Adulterated *H. muticus*  
 Only 37.7/45.5 grains opium present  
 No declaration alcohol or morphine content  
 Incorrect declaration alcohol and opium  
 Not N.F., large amount *ruellia* present  
 Contained 7.28% sodium chloride  
 8.64% ash; suspended sentence  
 Not U.S.P. or N.F., contained Indian gum  
 Not U.S.P. or N.F., contained Indian gum  
 Not U.S.P., 35% mineral oil present  
 Below U.S.P.  
 Not U.S.P., 4.8% mineral oil present  
 Not U.S.P., mineral oil added  
 Not U.S.P., mineral oil added  
 Not U.S.P., 14% mineral oil added  
 Not U.S.P., 3.2% mineral oil added  
 Not U.S.P., large amount mineral oil added  
 Alcohol undeclared; therapeutic claims nolle prosequi  
 4.15% alcohol undeclared, false therapeutic claims

Rel. Bd.—released under bond

S.—seizure

Dest.—destroyed

C—costs

against drug products and unofficial preparations in Table 3. An action was taken against adhesive plaster (N. J. No. 496), primarily because of the misleading claim for curing hernia. The defendant filed an answer that the Act did not cover this type of article or claim, which was sustained by the court, and the information was dismissed. Three products containing cocaine and potassium iodide were sold as antiasthmatics; fines were imposed after pleas of guilty in each case.

Actions were recorded against six antibacterial products claiming to destroy germs causing all diseases, and thereby curing anemia, asthma, cancer, consumption, diabetes, diphtheria, grippe, malaria, yellow fever, etc. Examination of "Humbug Oil" is reported in N. J. No. 988. It was claimed to relieve the most malignant type of diphtheria. Chemical analysis revealed it to be a mixture of turpentine and linseed oil with ammonia and, probably, small quantities of coniine. An opium product was recommended as a "lung food . . . endorsed and advertisement accepted by the American Medical Journal." Two combinations were recommended for the treatment of rheumatism, cramps, colic, distemper, bruises, sprains, headache and toothache. One of these contained capsicum and sassafras, the other camphor, iodine and cinchona alkaloids.

Actions against six "cancer cures" are reported. In five cases, products containing opium, cocaine, potassium iodide or acetanilide were involved; the defendants pleaded guilty, and fines were imposed. The other case was N. J. No. 266, Dr. Johnson's Mild Combination Treatment for Cancer, consisting of six types of products. Charges were made that this combination treatment would not cure cancer, nor destroy dead and unhealthy tissue. The defendant's answer was that the claims were not in violation of the Act. The court ruled in favor of the defendant, stating:

In the debates in Congress, when this measure was under consideration, it was never sought to be justified except on the ground of protecting the public health, as it might be affected by interstate shipments of food, drugs, etc. At no time was it asserted or pretended that it was proposed to reach the matter of holding the manufacturers and vendors of prescriptive or patented medicines, multitudinous and multiform as they are, to criminal liability for misstatements as to the curative or remedial effects of the prescription, which would necessarily depend upon the opinions of contending experts and the users of the nostrums. . . . If it had been the mind of Congress to make it an indictable offense for such manufacturers and vendors by their labels or brandings on bottles and packages to mislead the buyers as to the curative or healing properties of the drugs, as to the mere matter of commendation, apt words, both in the title and body of the act, could and should have been easily employed to indicate such

purpose, and not leave it to the courts by strained construction to read it into the statute.

This decision was appealed to the United States Supreme Court by the government, and the judgment of the lower court was affirmed in N. J. No. 1058. This situation was corrected by the passage of the Sherley Amendment, approved August 23, 1912.

A series of five N. J.'s reports action against "cough cures," which also claimed to heal the lungs and cure asthma, croup, whooping cough, diphtheria, dysentery, hay fever, pains in the head or stomach or limbs; one also claimed to cure colic in horses! These combinations contained alcohol, morphine, camphor, tar, capsicum and sassafras. In two cases, the defendants pleaded guilty and three pleaded no defense; fines were imposed in each case. Action against "drug habit cures" were reported in eight N. J.'s. The presence of alcohol or morphine was not declared on the labels of most of these preparations; one also contained strychnine and brucine.

Actions against 43 headache remedies are recorded; all but two pleaded guilty or no defense, and were fined. These products contained acetanilide, acetophenetidin and caffeine, and one also contained quinine. In one product, codeine was claimed on the label but was absent from the formula. The bases of action were claims that these products were harmless, and would cure all forms of headache, grippe, neuralgia, rheumatism, pneumonia and malaria.

Perhaps the most publicized of these cases is N. J. No. 25 against Harper's CUFORHEDAKE BRANE-FUDE. Analysis of this product showed it to contain 24 per cent alcohol, 1.5 per cent caffeine, 1 per cent antipyrine and 15 grains of acetanilide per ounce. The labels claimed that this was a harmless relief, without subsequent depression, for headache, neuralgia, nervousness and insomnia, and that it did not contain any poisonous ingredients of any kind. This was the first case against a drug preparation which was contested under the 1906 Act. In the jury trial before the Police Court of the District of Columbia, the defendant pleaded not guilty. Much evidence was presented. The jury returned a verdict of guilty. The court then imposed fines of \$700, or imprisonment in jail for 150 days. A proposed appeal to the court of appeals was withdrawn, and the fines were paid. The first count in this case related to the manufacture of a misbranded drug, and the fourth count to its sale; the government abandoned the other two counts. The jury found that this

product was not a cure for headache nor a food for the brain. In his charge to the jury, Judge Kimball stated:

This law was passed not to protect experts especially, not to protect scientific men who know the meaning and value of drugs, but for the purpose of protecting ordinary citizens, like the jury and like counsel and others, who have learned during the hearing of this trial a great deal more about these things than they ever knew before in all their life. In determining the meaning of the words used upon these cartons, bottles, and circulars, they are to be taken in the way that an ordinary, plain, common citizen, without scientific knowledge, would understand them if they were put before him . . . nor did said drug contain any poisonous ingredients of any kinds. Gentlemen, the question raised is not whether it is a poison in the doses prescribed in the preparation. That is not the question before you as jurors. You have nothing to do with the question of whether it is poisonous in the doses prescribed or in larger doses. The sole question raised here for you to consider is whether the said drug contains poisonous ingredients of any kind. If you find from the evidence, beyond a reasonable doubt, that it did contain poisonous ingredients, whether taken in the doses named, whether they would or would not be harmful—if you find that the drug contained a poisonous ingredient—then your verdict must be guilty, because that is the plain issue. Of course, that you must find beyond a reasonable doubt . . . that in testing the evidence of experts you have the right to consider whether they have shown sufficient knowledge, and to consider their conduct upon the witness stand, everything about them that has occurred in your sight, and everything that they have given upon the witness stand, for you are the ones to determine the weight to be given the testimony of experts or those who come to testify as experts.

In pronouncing sentence, the court stated that the defendant is a druggist—an expert—and therefore knew the character and actions of drugs, and also whether or not this product contained any poisonous ingredients. The label claimed: "This preparation contains no poisonous ingredients," and not that the ingredients would not be poisonous in the doses used. It is noted that an observer was present to notify the druggists of the United States of the details of the case and the decision of the court for their guidance under this, the first contested drug case brought under this Act.

Two actions were brought against hydrogen peroxide on the basis that it contained added acetanilide and, therefore, was not of U. S. P. quality. In one case, the defendant pleaded guilty and was fined \$5; in the other, the defendant established a guaranty, and the court dismissed the case. A magnesium sulphate product was claimed to cure constipation, and to prevent appendicitis and apoplexy. Action was recorded against five "teething syrups," all of which claimed to be noninjurious to the youngest babe and to produce no bad results from continued use; all contained morphine or cocaine.

A total of 20 so-called "tonics" were the basis of action. These include combinations of alcohol, strychnine, arsenic, aloes, cocaine, damiana, phosphorous, and potassium iodide. All but two of these cases involved guilty pleas, with fines or the destruction of the product. In N. J. No. 816 is reported proceedings against Lopez Specific Special Compound, which was found on analysis to contain 27 per cent alcohol, 3.85 per cent KI, podophyllum, stillingia, eucalyptus and gentian. It was advertised as working wonders, a positive and permanent cure for rheumatism, a guaranteed cure for consumption; syphilis; stomach, liver and bladder affections; sexual weakness; and failing memory. The defendants pleaded not guilty, and a jury trial was held. After witnesses for the government had been heard, the court directed the jury to return a verdict of acquittal, holding that no misrepresentation as to the curative or therapeutic qualities and properties of an article is misbranding. This situation was corrected by the Sherley Amendment.

In N. J. No. 697, alleged misbranding of three products was presented, because of failure to declare their alcohol content. The claimant to the seized goods offered the defense that the goods had not been seized before filing of the libel and that the Act did not apply to this shipment, since the packages were not transported interstate for sale. The court ruled that the seizure might precede the libel but that since no proof of sale was offered, the demurrer should be sustained and the seizure dismissed.

Considering the nature of the charges brought against these 156 drugs and drug products, the widespread use of extreme therapeutic claims may be noted, together with decisions of the courts that the 1906 Act did not give jurisdiction to the government to proceed against such claims. This was corrected by the Sherley Amendment to the Act.

### Cosmetics

A total of 11 N. J.'s were issued against products subsequently considered as cosmetics, summarized in Table 4. It was established in N. J. No. 284 that casks of a "liquid extract" were not misbranded by not carrying declarations of their alcohol content during shipment from the original manufacturer to the owner, who rebottled the material. Three products were considered as "hair tonics" with false therapeutic claims; one contained 98.5 per cent methyl alcohol. Two of three "skin foods" were found to be colored epsom salts, claimed to cure various skin ailments.

Table 3  
124 Drug Products and Preparations—N. J.'s 1-1000

No.	Product	Charge * M A	Plea and Action **	Comments
496	Adhesive Plaster	x	Demur. Ct. Dism.	Alleged external application cured hernia by tightening muscles, enclosed circular not labeling, term "misbranded" does not cover untruthful or mistaken assertions curative properties; court dismissed case, government considered appeal
Antiasthmatic				
727	Az-ma-syde	x	g. \$25	Claimed cure asthma with atomized solution 2% alcohol, 4.5 grains cocaine HCl/oz., thymol and phenol, cocaine undeclared
837	Dr. Hair's Asthma Cure	x	g. \$25&C	Claimed cure asthma; contained 18.48% alcohol, 5.54% KI, glycerine
874	Munyon's Asthma Cure	x	g. \$100	Claimed positively cure worst asthma in three minutes; contained 50.78% KI, alcohol
Antibacterial				
23	Hancock's Liquid Sulphur	x	g. \$100	Claimed nature's greatest germicide, permanently cures most stubborn blood and skin disorders; solution calcium sulphide
205	Radam's Microbe Killer	x	S. Dest.	Claimed positive cure for all diseases by killing microbes in blood: anemia, asthma, cancer, consumption, diabetes, diphtheria, grippe, malaria, paralysis, pneumonia, yellow fever
623	Radam's Microbe Killer	x	S. Dest.	Same claims as in N. J. No. 205
907	Septicide	x	g. \$10	Claimed destroy germs, cure Bright's disease, cancer, consumption, croup, diphtheria, rheumatism; contained aqueous solution SO <sub>2</sub>
830	California Waters of Life	x	S. Rel. Bd.	Claimed destroy diseases, cure Bright's disease, diabetes, dropsy, gallstones, insomnia, rheumatism
856	Egyptian Deodorizer and Germ Killer	x	Nolo \$75	...
Anticatarrh				
323	Remedy	x	g. \$100	Also claimed remedy for hay fever; undeclared 99.95% cocaine HCl

718	Stuart's Tablets	x	<i>Nolo</i>	\$10	Claimed new cure diseases stomach, liver, intestines, bladder, cold in head, hay fever, antiseptic
Antidiphtheritic					
54	Muco-Solvent	x	S.	Dest.	Claimed cure diphtheria, catarrh, croup, whooping cough, all throat troubles
988	Humbug Oil	x	g.	\$5	Claimed relieve most malignant diphtheria; analysis showed 60% hydro-alcoholic, ammonia, conine, 40% oils—half turpentine, half linseed
Antimalarial					
112	Quinine Whiskey	x	S.	Rel. Bd.	Claimed cure malaria, colds, grippe, typhoid, typhus; alcohol undecleared, quinine less than 1.25 grains/oz.
885	Quinine Whiskey	x	x	\$25&C	Claims as in N. J. No. 112; labeled alcohol 85%, found 41.3%, labeled 1.25 grains quinine/oz., found 1/75 grain/oz.
745	Ferro-China	x	S.	Dest.	Claimed stimulate appetite and digestion, cure malaria and female troubles; contained 16.12% alcohol undecleared, no quinine present
Antipneumonial					
180	Gowan's Cure	x	g.	\$200	Claimed new principles never isolated, lung food, endorsed AMA; declaration opium inconspicuous; contained trace quinine, lard, camphor, phenol and turpentine
Antirheumatic					
239	Dr. Jones' Beaver and Oil Compound	x	S.	Rel. Bd.	Claimed treatment rheumatism, bruises, headache, neuralgia, quinsy, sprains, toothache; analysis showed gasoline solution capsicum, saffras but no beaver oil
863	Tomlinson's HHH Medicine	x	g.	\$25	Claimed value rheumatism, cramps, colic, distemper, headache, toothache; contained alcohol, I, camphor, chona alk., salicylic acid
Antispasmodic					
903	Stange's Cramp Drops	x	g.	\$25&C	Alcoholic solution ether, not declared
Cancer Cures					
266	Dr. Johnson's Mild Combination Treatment	x	n. g.	Upheld	Judge held no intent Congress criminal liability for misstatements curative or remedial effects; Supreme Court upheld; led to Sherley Amendment
427	Cancerine	x	g.	\$100	Claimed cure cancer; alcohol declaration less than eight-point type
507	Dr. Curry, 14 Products	x	g.	\$50&C	None of the 14 products would cure cancer, Liquid Poppy did not contain enough opium to justify name, white solution labeled 4% cocaine contained only 3%

Table 3—Continued  
124 Drug Products and Preparations—N. J.'s 1-1000

No.	Product	Charge * M A	Plea and Action **	Comments
Cancer Cures—Continued				
606	Cancerol	x	g. \$25&C	Claimed essential oils, cured malignant diseases, renovated blood, toned system, fortified glands; alcohol and opium contents undeclared
635	Cancer Cure	x	g. \$25&C	Ointment contained 31.8% acetanilide, not declared on label
797	Mixer's Cancer & Scrofula Syrup	x	g. \$25	Claimed safe cancer cure; contained KI, hydrogen peroxide, gentian, camphor, belladonna in seven products; alcohol undeclared
Cathartics				
32	Blackburn's Cascara, Wild Lemon, Castor Oil Pills	x	g. \$10&C	Claimed therapeutic and cathartic effects; castor oil absent, only traces present; contained calcium sulphide, capsicum, atropine
865	Uncle Sam Anti-Dyspeptic Breakfast Food	x	g. \$10&C	Claimed relief constipation, and prevention of appendicitis
Cough Cures				
750	Kurakoff	x	Nolo \$25&C	Claimed asthma cure, colds, coughs, croup, consumption, bronchitis, diphtheria, hay fever, lung healer, whooping cough and specific in kidney diseases; contained salicylic acid, sassafras, squill, turpentine, white pine
773	Aniseed Syrup	x	g. \$150	Claimed children's remedy always brings relief, quite harmless, does not hurt digestion or nervous system, cures coughs, colds, colic, dysentery; contained 1/4 grain morphine acetate/fl. oz.
777	Soothing Balm	x	Nolo \$10	Claimed for coughs, colds, diphtheria, sore throat, pains in stomach, head, back limbs, also colic in horses; contained 98% alcohol, camphor, capsicum, sassafras
826	Kickapoo	x	Nolo \$25&C	Claimed cure coughs, colds, bronchitis, croup, sore throat; contained glycerine, vegetable extracts
898	Indian Tar Balsam	x	g. \$25	Claimed relief coughs, colds, sore throat, all inflamed conditions, lungs and air passages; contained 60% tars; neither opium nor morphine declared

Drug-Habit Cures	
694	Starnes
693	Dr. W. J. Tucker
134	Gin, Buchu
160	Gin, Buchu
245	Gin, Damiana
770	Gin, Geneva
771	Gin, Geneva
327	Gin-Seng-Gin
987	Haarlem Oil
Headache Remedies	
25	Harper's CUPFORHEDAKE BRANE-FUDE
182	Bromo-Febrin
191	Dr. Parker's
208	Okay
225	Hutchwelker
233	Aceton
258	Preston's Hed-Ake
260	U-Re-Ka
276	Analgin
329	Dr. Kohler's Antidote
346	Kinne's Sure
392	Telephone
g.	Failed declare amount morphine present
g.	Failed declare amounts morphine and alcohol
S.	Claimed for kidney and bladder troubles; traces buchú; alcohol 38.66% undeclared
S.	Alcohol undeclared
g.	Indicated aphrodisiac; traces damiana, strychnine, brucine, salicylic acid present
g.	Alcohol undeclared, false origin indicated
g.	Alcohol undeclared, false origin indicated
g.	Claims unjustified, not gin, misuse Chinese characters
Nolo	Claimed oldest, surest kidney, liver and bladder remedy; methyl salicylate present
n. g.	Claimed certain, harmless relief headache and neuralgia, no harmful ingredients present; analysis: 24% alcohol, 1.5% caffeine, 1% antipyrine and 15 grains acetanilide/oz.
g.	Claimed sure cure headache and neuralgia, absolutely safe; labeled four, contained six, grains acetanilide powder
g.	Improper declaration 3.5 grains acetanilide and 0.5 grain caffeine/dose
g.	Claimed perfectly harmless; alcohol and acetanilide undeclared
g.	Claimed harmless positive cure every form headache and neuralgia; acetanilide undeclared
g.	Claimed cure all kinds headache and neuralgia, break up colds; contained caffeine and 240 grains acetanilide/oz.
g.	Claimed cure or prevent headache, harmless; contained acetanilide
g.	Acetanilide undeclared
g.	Acetanilide undeclared
g.	Claimed cure headache, neuralgia, upset stomach
Nolo	Labeled acetanilide two, found three, grains/dose
g.	Claimed absolutely harmless; declaration 200 grains/oz. incorrect, erratic; powerful and injurious article
g.	Rel. Bd.
g.	\$25
S.	Rel. Bd.
S.	Rel. Bd.
g.	\$100
g.	Susp.
g.	Susp.
g.	\$25
Nolo	\$10&C
n. g.	g. \$700
g.	\$20
g.	\$25
g.	\$50&C
g.	\$10
g.	\$75
g.	\$10
g.	\$25
g.	\$15
g.	\$25
Nolo	\$10
g.	\$25

Table 3—Continued

## 124 Drug Products and Preparations—N. J.'s 1-1000

No.	Product	Charge *		Plea and Action **	Comments
		M	A		
Headache Remedies—Continued					
418	Falck's One Minute	x		Susp.	Acetanilide undeclared
428	Knox' Head-Ake	x		\$10	Claimed certain cure headaches, neuralgia, grippe, immediate relief all pain; labeled ½, found ¾, oz. acetanilide/oz. powder
449	Eame's Tonic Wafers	x		\$25&C	Claimed contained no dangerous drugs; presence and amount acetanilide undeclared
465	Raymont's Pepsin Cure	x		\$10&C	Amount pepsin imperceptible, amount acetanilide not properly declared
495	Flag Salt	x		Susp.	Claimed cure all forms headache and neuralgia; chief ingredient acetanilide injurious
559	Rexall Wafers	x		\$50	Claimed effective, harmless; contained caffeine, 339 grains v. label 228 grains acetophenetidin/oz., known harmful, habit-forming ingredients
860	Painease	x		Susp.	Claimed stop all pains, headache, backache, rheumatism, excessive dissipation any kind; contained caffeine, citric acid, acetanilide label five-grain/powder, so poisonous
906	Bradbury's Capi-Cura	x		\$25	Claimed relieve headache and neuralgia; caffeine, quinine and salol present; acetanilide undeclared on label
908	Nyal's Wafers	x		\$2	Claimed no bad after effects, not habituated; four grains acetanilide and one grain caffeine; use in headaches, neuralgia, grippe, rheumatism
919	Infalible	x		\$25&C	Claimed reliable in headache and rheumatism, all nervous menstrual pains, break up colds, wouldn't cause heart failure; caffeine and label 2½ grains acetanilide tablet
931	Chandler's Buttons	x		\$10&C	Claimed reduce fever, nerve stimulant, relieve sick or nervous headache, neuralgia in 15 minutes; acetanilide 56.82 and 57.32%, caffeine 4.40 and 4.39% present

941	White's Headache	x	n. g.	g. \$25	Claimed headache cure, relieve pain any part of body, six harmless ingredients when taken as directed; label 47% alcohol and 33 grains acetanilide/oz.; charged caffeine and acetanilide both harmful and enslaving
942	Ammon Phenyl	x	<i>Nolo</i>	\$25	Claimed antipyretic, antiseptic, antineuralgic, stimulant, laxative, antacid, no cyanosis or collapse; use in pneumonia, influenza, diphtheria, epilepsy, rheumatism, opium habit; contained acetanilide, NaHCO <sub>3</sub> , ammonium carbonate
962	Dr. Higby's Cough, Cold and Grip Powders	x	<i>Nolo</i>	Susp.	Claimed break up colds; acetanilide 198 gr./oz.
965	Smith's Quininetes	x	g.	\$5	Claimed reliable remedy colds, headache, grippe, pneumonia, liver trouble, female complaints, blood purifier, toning system; contained quinine acetate
986	Headache Tablets	x	g.	\$50&C	Labeled 3½ gr. acetanilide and ¼ gr. codeine sulfate/tablet but no codeine present; caffeine, NaHCO <sub>3</sub> , acetanilide present
568	Funny-How-Quick	x	<i>Nolo</i>	\$25	Claimed sure, quick, will not form habit; acetanilide not properly declared
569	Headache Powders	x	<i>Nolo</i>	\$25	Manufacturer not revealed; less than five grains acetophenetidin/pwd. in one shipment, undeclared acetanilide in another
573	Howe's Tablets	x	g.	\$50	Claimed relieve all headaches, neuralgia; one lot labeled one, contained two, grains acetanilide/tablet, another contained 60% acetanilide
624	Failing's Powders	x	g.	\$125	Claimed cure headaches, neuralgia, safe; acetanilide not declared
630	Well's, Dime Cure	x	g.	\$10&C	Product would not cure headache
631	Mrs. Summers' Harmless Remedy	x	g.	\$10&C	Claimed harmless; contained acetanilide, so injurious
633	Sure Pop	x	g.	\$25&C	Claimed cure headache, neuralgia; nerve
643	Dr. Peter's	x	g.	\$50	Acetanilide undeclared
707	Break-Up-The-Grip	x	g.	\$25	Claimed no injurious ingredients, cure headache in ten minutes, cold and grippe in one day; labeled two, found 1.85, grains acetanilide/tab.
708	Stanley's Instant	x	g.	\$25	Claimed cure all forms headache, grippe, neuralgia, rheumatism, malaria, pneumonia; acetanilide and caffeine injurious, not declared label

Table 3—Continued  
124 Drug Products and Preparations—N. J.'s 1-1000

No.	Product	Charge *		Plea and Action **	Comments
		M	A		
Headache Remedies—Continued					
709	Sherman's Cure	x	g.	\$25	Claimed sure cure headache, neuralgia, sleeplessness
769	Cold and Grip Pads	x	g.	\$25	Claimed cure cold in one day, relieve stomach and back-aches, purely vegetable; analysis: 20.7 and 20.31% quinine; 26.83 and 27.05% acetanilide undeclared Alcohol labeled 61%, found $\frac{3}{4}$ ; 16 grains phenacetin and 10 grains acetanilide/fl. oz. incorrect, ratio 11:17; caffeine present; incorrect declaration alcohol and acetanilide
780	Tilden's Febrisol	x	g.	\$150	Claimed antipyretic, anodyne, neuralgia, headache, typhoid fever, no subsequent ill effects; caffeine 1.3%, acetanilide 362 gr./oz.
795	Anadol	x	g.	\$100&C	Claimed speedy, certain, safe for headaches of all origins; undeclared caffeine and acetanilide
820	Burwell's Cachets	x	g.	\$25	Claimed relief childbirth, shorter labor, quick delivery; contains oil, soap
Miscellaneous					
203	Mother's Friend	x	S.	Rel. Bd.	Same as in N. J. No. 203
366	Mother's Friend	x	S.	Rel. Bd.	Same as in N. J. No. 203
636	Mother's Friend	x	g.	\$25&C	Not U. S. P. contained acetanilide
216	Hydrogen Peroxide	x	x	\$5	Court sustained plea, dismissing information charge not U. S. P. as acetanilide present
575	Hydrogen Peroxide	x	n. g.	...	Contained fixed oil, resin, small amount turpentine
30	Oil of Pine	x	g.	\$10&C	Claimed radioactive 40 days, false; 7% alcohol undeclared
184	Radol	x	g.	\$150	Labeled 5% ethyl bromide, none present
571	Soemnoform	x	x	\$25	Claimed 62.78% epsom salts cure constipation, prevent appendicitis, apoplexy
843	German Seidlitz Salts	x	g.	\$25&C	Claimed nothing injurious youngest baby, no bad results continued use; contained 8.84% alcohol, 1.7 gr. morphine and 0.408 minims/fl. oz.
Teething Syrups					
144	Dr. Fahrney's	x	g.	\$100	

401	Hodnett's Gem	x	g.	\$10	Claimed perfectly harmless, containing no morphine, no bad results continued use; label 4% alcohol, 4.8 gr. opium/fl. oz.
610	Dr. Winchell's	x	g.	\$25&C	Recommended for stomach and bowel complaints, colic, diarrhea, dysentery, summer complaint
933	Sabine's Blackberry Drops	x	g.	\$10	For summer complaint, diarrhea, dysentery, cramps, colic; contained 9.7% alcohol, oil cassia
930	Dr. Elder's Tobacco Specific	x	g.	\$100	Claimed cure smoking three days; contained 1/22 or 1/40 gr. cocaine/oz. and 0.31% cinchona alk.
Tonics					
201	Make-Man Tablets	x	S. <i>Nolo</i>	Rel. Bd.	Claimed aphrodisiac, brain, blood and nerve food, cure neuralgia, kidney and liver troubles, catarrh, consumption, wasting diseases; contained aloes, arsenic, strychnine
294	Make-Man Tablets	x	<i>Nolo</i>	\$10	Same as N. J. No. 201
891	Make-Man Tablets	x	S.	Dest.	Same as N. J. No. 201
204	Lambert's Wine Coca	x	<i>Nolo</i>	\$20	Claimed iron peptonate, cod liver oil, I, Br, nerve builder; no I or Br found
210	Sure Thing	x	g.	\$10	Claimed restores nerve energy, invigorator; alcohol, juniper didn't justify such claims
345	Nyal's Comp. Ext. Damiana	x	<i>Nolo</i>	\$5	Claimed useful aphrodisiac, exalting intellectual faculties; contained 50% alcohol, 15 grains cocaine, 76 gr. damiana, four grains nux vomica, 0.035 gr. P/fl. oz.
426	Sporty Days Invigorator	x	g.	\$50&C	No declaration alcohol
791	Sporty Days Invigorator	x	S.	Rel. Bd.	Claimed aphrodisiac
461	Vermouth Excelsior	x	g.	\$100	Claimed strengthen mind, increase organic energy, safe preventive fever and cholera, over 16% alcohol present, undeclared
501	Damiana Nerve Invigorator	x	n. g.	g. \$200	Damiana absent, alcohol undeclared
483	Bitters	x	S.	Dest.	Labels falsely indicated Italian origin
726	Bitters, Fernet-Branca	x	S.	Dest.	Mislabeled foreign origin; contained 10.5% ethyl and 37.5% methyl alcohols
839	Bitters, Fernet-Branca	x	<i>Nolo</i>	\$200&C	Offered imitation of real Italian product, claimed digestant, useful against worms, fevers, headaches; alcohol undeclared

Table 3—Continued  
124 Drug Products and Preparations—N. J.'s 1-1000

No.	Product	Charge * M A	Plea and Action **	Comments
Tonics—Continued				
735	Cocainized Pepsin Cinchona	x	g. \$25	Claimed stimulation respiration, brain, increased heart action, purified blood, new force in bones, muscle, nerves; contained 26.8% alcohol, quinine, cocaine undeclared
743	Fernet-Milan	x	S. Dest.	Claimed tonic, digestive; contained 23.8% alcohol undeclared on label
816	Lopez Specific	x	n. g. n. g.	Claimed specific cure rheumatism, scrofula, syphilis, gleet, stomach, liver and bladder affections, sexual weakness, failing memory, tuberculosis, blood poisoning; contained 27.4% alcohol, 3.85% KI, podophyllum, gentian; court, holding no misrepresentation as to curative or therapeutic qualities and properties of article is a misbranding, directed jury to return verdict of acquittal
975	Figprune Cereal	x	S. Rel. Bd.	Claimed blood maker, health restorer, brain feeder, nerve preserver; contained figs, wheat bran
982	Walker's Tonic	x	g. \$25&C	Claimed tonic, brain food, stimulates liver, heart and stomach, cures consumption, malaria, constipation; contained 18.21% alcohol, capsicum, emodin
999	Brace-Up Tomato	x	g. \$10&C	Claimed nerve and stomach food; showed excessive bacterial count, and 0.226% sodium benzoate undeclared
874	Munyon's Blood Cure & Special Liquid Blood Cure	x	g. \$100	Claimed to eradicate syphilis and scrofula from blood, tonic to general system, cured enlarged tonsils or glands, ulcers and sores; contained 50.78% KI and 0.42% mercuric chloride
467	Rock Candy Drips and Whiskey	x	g. \$10&C	Presence 27.2% alcohol not declared
293	Wintergreen, Essence	x	g. \$10	Artificial color, less than half strength
764	Wintergreen, Extract	x	g. \$10&C	Found 5% and 12.6% short volume
612	Blackberry Cordial	x	S. Rel. Bd.	Not N. F.; 8 to 10% alcohol not declared

697 Cadomene, Balmwort, x S. n. g. Seized because 16% or 46% alcohol in various products  
Essence Cardiol not declared on shipping labels during transit from  
manufacturer to owner for bottling; court sustained  
demurrer and dismissed case

\* M—misbranding  
A—Adulteration  
\*\* *Nolo—nolo contendere*  
g.—guilty  
n. g.—not guilty  
Rel. Bd.—released under bond

S.—seizure  
Dest.—destroyed  
C—costs  
Demur.—demurrer  
Ct. Dism.—court dismissed  
Susp.—suspended

Table 4

11 Cosmetics—N. J.'s 1-1000

No.	Product	Charge *		Plea and Action **	Comments
		M	A		
284	Dandrine	x		S. n. g. n. g.	Claimed undeclared alcohol shipment to self, not for sale; verdict claimant sustained on appeal to CCA
454	Dandruff Cure	x		\$25	Not permanent cure dandruff
181	Eyelin	x		\$10	Claimed rejuvenate eyesight, reshape eyes
862	Face Lotion	x		\$10&C	Alcohol incorrect; claimed cure blackheads, pimples, all diseases skin
434	Hair Coloring	x		\$25	Claimed prevent dandruff, endorsed by health boards
715	Hair Grower	x		\$50&C	Claimed produce hair bald heads, stop falling
319	Hair Tonic	x		\$25	Contained 98.5% methyl alcohol; claimed eliminate dan- druff, falling hair, scalp diseases
840	Peroxide Creme	x		\$10&C	Contained borax, not hydrogen peroxide
16	Skin Food	x		\$10	Pink-dyed epsom salts; claimed for velvety skin, cure blackheads, pimples, etc.
82	Skin Food	x		Rel. Bd.	Seven products: skin food, vaseline; bleach, borax; blush youth, 44% colored glycerine
433	Skin Food	x		<i>Nolo</i>	Pink-dyed epsom salts not beneficial to skin

\* M—misbranding  
A—adulteration  
\*\* *Nolo—nolo contendere*  
g.—guilty  
n. g.—not guilty  
Rel. Bd.—released under bond  
S.—seizure

Action against these cosmetic products was usually based on exaggerated claims of therapeutic activity.

### Summary

The development of the system of publication of N. J.'s has been traced to the enforcement of the Federal Food and Drugs Act of 1906. Of the first thousand published, 221 have drug, pharmaceutical or pharmacological aspects. Some 54 deal with foods; the bases of action are the alleged harmful or deleterious added ingredients, which included boric acid, caffeine, cocaine, dyes and nitrites. Some 32 deal with drugs, principally because of adulteration. Some 124 deal with drug products and preparations; the possible harmfulness of acetanilide and caffeine was considered, and the groundwork completed for the Sherley Amendment, dealing with false and misleading therapeutic claims. Some 11 N. J.'s were issued, dealing with cosmetics, chiefly because of misleading therapeutic claims. Specific comments were offered in connection with certain N. J.'s which have historical significance. [The End]

### N. J.'s CITED

- N. J. No. 25: *U. S. v. Robert N. Harper* (Washington, D. C.).  
 N. J. No. 266: *U. S. v. The Dr. Johnson Remedy Company* (Kansas City, Missouri).  
 N. J. No. 382: *U. S. v. Aetna Mill and Elevator Company* (Wellington, Kansas).  
 N. J. No. 498: *U. S. ex rel. Alsop Process Company v. James Wilson, Secretary of Agriculture*.  
 N. J. No. 508: *U. S. v. Hipolite Egg Company* (St. Louis, Missouri).  
 N. J. No. 658: *U. S. v. V. Viviano & Brothers* (St. Louis, Missouri).  
 N. J. No. 722: *U. S. v. 625 Sacks of Flour (Lexington Mill and Elevator Company)* (Lexington, Nebraska).  
 N. J. No. 816: *U. S. v. Lopez Remedy Company* (Wichita, Kansas).

### • BROKERAGE COMMISSIONS—FOOD PRODUCTS •

Partners in a food-produce company have consented to entry of an order prohibiting them from receiving brokerage commissions on food produce purchased by them for their own account. The order further prohibits them from accepting commissions when acting as agents, or when subject to the control, of any other buyer. (Released March 21, 1955.)

A wholesale food concern has agreed to stop accepting similar commissions. (Released March 22, 1955.)

An individual is prohibited from accepting commissions on food products sold through his brokerage firm to a wholesale firm in which he has a substantial interest. (Issued March 10; released March 22, 1955.)—CCH TRADE REGULATION REPORTS ¶ 25,383-25,385.